



## **100.00 Role and Authority of the Sheriff**

Number Series: 100—Organization

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### **POLICY**

The Sheriff of Hendry County is the chief law enforcement officer in the County. The Sheriff's authority is derived from Article VIII, Section 1(d) of the Florida Constitution, and Chapter 30, Florida Statutes. The Sheriff is empowered to appoint deputies to act under him, who will act as agents of, and take direction from the Sheriff.

A. Oath of Office

1. All personnel are required to take and abide by the Oath of Office. Sworn employees are additionally required to enforce the law and to uphold the United States Constitution and the Constitution of the State of Florida.

B. Mission, Values, and Code of Ethics

1. All agency personnel are expected to adopt, support and advance the Hendry County Sheriff's Office Mission, Values, policies and procedures.
2. All agency personnel will affirm, adopt, and abide by either the Law Enforcement Officer's Code of Ethics or the Civilian Employee Code of Ethics. Personnel will sign the applicable Code of Ethics.

C. Exercise of Authority based on Legal Justification

1. What is reasonable action by a deputy sheriff or what constitutes probable cause varies with each situation. Facts and circumstances may justify an investigation, detention, search, arrest, or no action at all. The requirement that legal justification be present imposes a basic limitation on Hendry County Sheriff's Office actions. Deputy Sheriffs must act reasonably and within the limits of authority as defined by statute and judicial interpretation, thereby ensuring that the rights of the individual and the public are protected.

D. Use of Discretion, Alternatives to Incarceration

1. There will be instances when a crime occurs and no physical arrest is made. The decision not to arrest will be guided by the facts and circumstances of the situation, the availability of reasonable alternatives, the best interests of those involved, the needs of the community and the interests of justice.
2. Should questions arise concerning a particular situation, the deputy involved should confer with a supervisor. Alternatives to incarceration include, but are not limited to, citations, notices to appear, referrals, and informal resolution.

### **PROCEDURE**

- A. Statutory Duties- As defined in the Florida Constitution or Florida Statutes, the Sheriff of Hendry County, in person or by deputy will:
1. Execute all process of the Supreme Court, Circuit Courts, County Courts, and the Board of County Commissioners of this state to be executed in the county.
  2. Execute such other assigned writs, processes, warrants and other papers to be executed in this county.
  3. Attend all terms of the Circuit Court and County Court held in the county.
  4. Be conservators of the peace in the county.
  5. Apprehend without warrant any person disturbing the peace, and carry that person before the proper judicial officer, that further proceedings may be held in accordance with the law.
  6. Have authority to raise the power of the county and command any person to assist him, when necessary, in the execution of the duties of the office.
  7. Perform such other duties as may be imposed upon him by law.
- B. General Duties and Responsibilities – The Sheriff of Hendry County, as the chief executive officer, has the authority and responsibility for the management, direction and control of the Hendry County Sheriff’s Office. Under that authority, the following duties and responsibilities are delegated to all sworn personnel:
1. Protect the constitutional rights of all persons.
  2. Do everything within their power and authority to prevent criminal behavior from occurring in Hendry County.
  3. Maintain order within Hendry County.
  4. Provide effective disaster response to our community through proper disaster preparedness.
  5. Problem solving to include the identification, analysis, design and implementation of action to thwart crime inducing or enabling conditions.
  6. Provide a professional service resulting in community satisfaction and support.
  7. Strive for public accountability and shared community responsibility for crime control through effective community oriented policing philosophies and practices.
  8. Apprehend violators of the law.
  9. Conduct thorough, logical and professional investigations.
  10. Strive toward the attainment of the evolving vision, mission, goals, and objectives of the Sheriff.

## **DEFINITIONS**

**ARREST**- To deprive a person of his or her liberty by legal authority. Taking custody of another to bring him or her before a court of proper jurisdiction.

**DUTY** – A grouping of job tasks, which represent a distinct category of work performed, e.g., respond to calls for service, conduct interviews, prepare reports.

**LAW ENFORCEMENT AUTHORITY** – The exercise of duties and responsibilities delegated to certified law enforcement personnel appointed to the position of Deputy Sheriff as provided by Florida Law (Florida Statutes Chapter 30).

**PROBABLE CAUSE** – Facts and circumstances within a deputy’s knowledge, and of which he or she has reasonable trustworthy information sufficient in itself to warrant a person of reasonable caution to believe that an offense has been or is about to be committed. It is not necessary that the deputy possess knowledge of facts sufficient to establish guilt, but more than mere suspicion is required.

**PROCESS** – The paper notification from a court that compels an individual to perform an action such as appear as a witness, produce evidence, or relinquish property. The definition of process also includes Enforceable Writs.

- A. **SERVICE OF PROCESS** – The process is merely served upon the named person. No other action is taken by the person serving the process other than notifying the Judicial Process Unit of the service.
- B. **EXECUTION OF PROCESS** – The Sheriff is specifically directed by a court to use his lawful authority to enforce the provisions of a writ, order or other process and the Sheriff or his deputy enforces the provisions as directed.

**WARRANT** – A judge's order directing the arrest of a defendant.

**WRIT** – A judge's written order requiring an action outside the courtroom authorizing that action. A writ is usually directed to a Sheriff for service or execution.

- A. **NON-ENFORCEABLE WRIT** - An order issued by a court that does not specifically direct the Sheriff to take action against a person or property. A deputy or process server can only make service on this type writ and cannot take enforcement action.
- B. **ENFORCEABLE WRIT** – An order issued by a court directing the Sheriff to take physical action against someone or something by seizing property or taking a person into custody. An enforceable writ will only be executed by a sheriff or his deputy.

## REFERENCES

State/Federal Regulations:

- Florida Constitution, Article VIII, Section 1(d)
- Florida Statutes, Chapter 30

CFA:

- CFA Standards 2.02 and 7.01M

Forms:

- None

Other Policy/ Procedure References:

- 800.00 Code of Ethics
- 800.01 Mission and Values